



N 09/671002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MCKEAN ET AL. Examiner: Baker, P.  
Serial No.: 09/671002 Group Art Unit: 2188  
Filed: 9/27/00 Docket No.: SJ0920000068US1  
IBMS.027US01  
Title: METHOD AND APPARATUS FOR MIGRATING DATA HAVING A  
FORMAT OF A FIRST TYPE TO A FORMAT OF A SECOND TYPE

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 29, 2003.

By: Kathleen McDevitt  
Kathleen McDevitt

**Request For Reconsideration of the  
Petition to Withdraw Holding of Abandonment  
Based on Failure to Receive Office Action  
Under 37 C.F.R. §1.181**

**RECEIVED**

OCT 07 2003

Technology Center 2100

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants' Attorney of Record has received the Decision of July 29, 2003 denying the petition to withdraw the holding of abandonment in response to the *Notice of Abandonment* of May 6, 2003 in the above referenced case. Applicants respectfully submit that the Notice of Abandonment was issued in error due to the fact that Applicants' Attorney of Record never received the Office Action. Further, Applicants respectfully submit that Applicants, in contrast to the allegation presented in the Decision of July 29, 2003, did not submit a change of address back to Bren Road East on April 14, 2002. Thus, Applicants request that the holding of abandonment be withdrawn. The details follow.

### Discussion

On January 10, 2001, Applicants' attorney of record filed an Information Disclosure Statement, PTO Form 1449, references and a Request for Change of Address, listing Altera Law Group, LLC, 6500 City West Parkway, Suite 100, Minneapolis, MN 55344.

The Decision of July 29, 2003 stated that Applicants submitted on April 14, 2002 a change of address changing the address back to Bren Road East.

Applicants' attorney of record respectfully submits that no such change of address was filed on behalf of Applicants.

Applicants' attorney of record respectfully submits that the change of address was caused by an employee of the U.S. Patent and Trademark Office that incorrectly updated the address for customer number 22865.

Applicants' attorney of record respectfully submits that many such files were affected before discovery of the unauthorized update of the address for customer number 22865.

Applicants' attorney of record respectfully submits that previous petitions for other applications have been denied, but later accepted and the issue corrected by Mr. David Scherbel of the U.S. Patent and Trademark Office at 703-308-1272.

**Remarks**

Because the abandonment was caused by error of the U.S. Patent and Trademark Office, Applicants respectfully requests withdrawal of the Notice Of Abandonment.

It is believed that this petition is timely filed under 37 C.F.R. §1.181(f) since the Decision was issued July 29, 2003 for the Notice of Abandonment received on May 6, 2003.

Additionally, it is believed that a fee is not required for this petition since the petition was necessitated by Patent Office error. However, permission is hereby given to charge Deposit Account Number 50-0996 (IBMS.027US01) a petition fee if the Office deems that such fee is required.

For the above stated reasons, Applicants respectfully request that the holding of abandonment be withdrawn and that notice of same be promptly transmitted to Applicant's Attorney of Record.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicants, David W. Lynch, at 651-686-6633 Ext. 116.

Respectfully submitted,

CRAWFORD MAUNU PLLC  
1270 Northland Drive, Suite 390  
St. Paul, Minnesota 55120  
(651) 686-6633 Ext. 116

By: 

David W. Lynch  
Reg. No.: 36,204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No.: 09/671,002

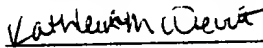
Filing Date: 9/27/2000

First Named Inventor: Brian D McKean

Docket No.: SJO920000068US1 501.342

**COPY**

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this communication is being deposited in the United States Postal Service as first class mail in an envelope: Commissioner for Patents, Arlington, VA 22313-1450 on July 15, 2003.

By:   
Katheen A. McDevitt

CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

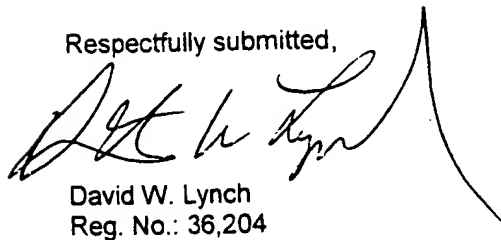
Dear Sir:

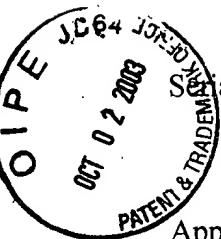
Please change the correspondence address in the above-reference application to:

David W. Lynch  
CRAWFORD MAUNU PLLC  
1270 Northland Drive, Suite 390  
Mendota Heights, MN 55120

Telephone: (651) 686-6633

Respectfully submitted,

  
David W. Lynch  
Reg. No.: 36,204



Serial No. 09/671,002

PATENT

# 15

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By:

*Kathleen McDevitt*

Kathleen McDevitt

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P.O. Box 1450  
Alexandria, VA 22313-1450

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Technology Center 2100

Sir:

We are transmitting herewith the attached:

- ☒ Petition for Reconsideration of the Petition to Withdraw Holding of Abandonment, pages 1-3.
- ☒ Attached duplicate copy of Change of Correspondence Address filed July 15, 2003.
- ☒ If required by this filing, herein is authorization to charge Deposit Account No. 50-0996 (IBMS.027US01) all requisite fees.

Respectfully submitted,

CRAWFORD MAUNU PLLC  
1270 Northland Drive, Suite 390  
Saint Paul, MN 55120  
651.686.6633

*David W. Lynch*  
Name: David W. Lynch  
Reg. No.: 36,204